

Minutes of a Council Meeting of the Borough of Hillsdale held at 7:33 PM on Tuesday March 8, 2016, in the Council Chamber, Borough of Hillsdale, New Jersey.

The meeting was called to order by Mayor Frank, who also led the Salute to the Flag.

**OPEN PUBLIC MEETING STATEMENT:**

This is a meeting of the Hillsdale Borough Council on this 8th day of March 8, 2016. Notice of the time and place of this meeting has been provided to The Ridgewood News, Pascack Press, The Record and Community Life; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please notify the Deputy Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. The fire exits are located through the double doors to your left. Please silence all cell phones and pagers.

**ROLL CALL:**

Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella  
(Mayor Frank, Borough Attorney Madaio, Deputy Borough Clerk Kohan)

**APPOINTMENTS/OATH OF OFFICE:**

**R16073 Appointment of Denise Kohan, Acting Borough Clerk**

WHEREAS, the Borough desires to appoint Denise Kohan to the position of Acting Borough Clerk for the Borough of Hillsdale; and,

WHEREAS, Denise Kohan desires to serve in the position of Acting Borough Clerk and to enter into an Employment Agreement to perform such duties with the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that Denise Kohan is hereby appointed Acting Borough Clerk for the Borough of Hillsdale; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Mayor is hereby authorized to execute an Employment Agreement with Denise Kohan to serve as Acting Borough Clerk on behalf of the Borough.

Motion to approve: Council Member Pizzella, Second by Council Member Lundy

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

Oaths of Office  
Denise Kohan

Acting Borough Clerk

Mayor Frank administered the oath of office to Denise Kohan for the position of Acting Borough Clerk.

Joseph L, Solda III

Hillsdale Fire Department

Mayor Frank administered the oath of office to Joseph L. Solda III for becoming a member of the Hillsdale Volunteer Fire Department.

**PROCLAMATIONS:**

National Poison Prevention Week 2016 – read in full by Mayor Frank

WHEREAS, Congress designated the third full week in March to be National Poison Prevention Week (NPPW) in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

WHEREAS, poison centers across the country will focus the public’s attention on identifying poisoning hazards at home as well as learning ways to prevent poisoning emergencies; and

WHEREAS, unintentional poisoning is the leading cause of unintentional injury death in New Jersey; and

WHEREAS, approximately half of all reported poison exposures involve children under six (6) years of age; and

WHEREAS, the majority of poisoning deaths occur in adults aged 20 to 59; and

WHEREAS, every poisoning is preventable! From the youngest to the oldest, all people and even pets are at risk.

WHEREAS, poison experts urge parents and caregivers to keep “single-load liquid laundry packets” out of sight and reach of young children. These products can cause serious harm if ingested; and

WHEREAS, consumers must be aware that e-cigarette devices, hookah pipes and liquid nicotine may contain very high doses of nicotine in enticing colors, aromas, and flavors – increasing the likelihood that small children and pets will be drawn to them. These products pose serious risk of poisoning; and

WHEREAS, the New Jersey Poison Information and Education System (NJPIES), a division of the Department of Preventive Medicine and Community Health/NJ Medical School at Rutgers, The State University of New Jersey provides free, expert medical advice, drug information, and poison prevention education to NJ residents through the 800-222-1222 Poison Help Hotline; and

WHEREAS, all services are free, confidential, multilingual and available 24 hours a day, 7 days a week, 365 days a year even during bouts of Mother Nature; and

WHEREAS, poison centers save time and money by managing most cases at home, not requiring a visit to an emergency room; and

WHEREAS, NJ Poison Experts encourage all residents to program the Poison Help Line 800-222-1222 into home, office, and cell phones because a rapid response can make a difference in preventing serious injury and saving lives; and

WHEREAS, NJPIES is involved with the state’s efforts in homeland defense, counter-terrorism, emergency preparedness and response, and bio surveillance, and surveillance for clusters of poisonings and their sources (products, food and beverages, chemicals in the workplace and at home, environmental toxins, drugs and medicine, and animal and insect bites and stings; and

WHEREAS, the poison center is instrumental in managing exposures during major storms like Superstorm Sandy; and

WHEREAS, the use of poison center services saves residents both time and money. Most cases are managed in the convenience of the caller's home, requiring no hospital visit;

NOW, THEREFORE, I, Mayor Douglas Frank, of the Borough of Hillsdale, NJ do hereby proclaim the week of March 20-26, 2016 as National Poison Prevention Week in New Jersey and encourage all citizens to pledge their commitment to ensuring the safety of themselves, their families, and their community.

**PUBLIC COMMENT:**

Mayor Frank said we will now have our first early public comment session. This is a new item on our Agenda that allows for a time limited opportunity for residents to come and present a single topic that has not been on the Agenda before and has not been discussed. There is a time limit of five minutes per resident. He now opened the meeting to the public for comments and ask that the public identify themselves and provide an address.

Mr. Nicholas Orlando, 1 Ridge Court –

Mr. Orlando stated that he comes the meeting with a very heavy heart. He is a 50 year resident of this town. He stated that he is here to report to the Mayor and Council about the destruction of private property without any cause. The DPW made a decision on March 3<sup>rd</sup>, three days ago without Mr. Orlando's knowledge to come onto his private property and sheered an expensive cherry trees that was planted 40 years ago. He offered pictures to show the Mayor and Council. He does not understand why the DPW came down this specific dead end street – a street with only 4 houses. There are no sidewalks, electrical wires, nothing that would make these trees a danger. On January 2016, the Bergen County Autobahn Society declared his property a certified wildlife Garden. It has also been certified as a backyard wildlife habitat for 20 plus years. He came here today for a solution. Mr. Orlando offered a copy of the certificate and a copy of the certificate of the tree company that he uses to maintain this property at his expense as well as pictures. If these branches were ever deemed a problem then somebody should have either called or rang the doorbell. Mr. Orlando does not understand that in this day and age of communication that he was never contacted. He asked the Mayor and Council to view the pictures. The trees are sheered back to the trunk line. Mayor Frank stated that this was obviously a mistake. People were acting in what they felt were good intentions. Since then he has spoken with our DPW Superintendent as well as a conversation was held between the Mayor and Mr. Orlando. We apologize for this and we believe that in the future if there is any tree trimming they will check with the homeowners. The Mayor asked what could we do to make this right. Mr. Orlando said he would leave that decision up to the Mayor and Council, he is not here to demand an answer, but clearly something needs to be done. Mayor Frank stated that he and the DPW Council Liaison and Mr. Orlando will meet to come up with some type of solution. Councilman Karcich asked Mr. Orlando if the town was ever notified about his property receiving these certificates and Mr. Orlando stated that no the town was never notified as this is a new program.

Mayor Frank said that seeing no one else; he closed the meeting to the public.

**PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:**

*(The following correspondence on file in Borough Clerks Office)*

No reports were given.

**COMMITTEE REPORTS:**

Access to All - Council President Frank Pizzella

Council President Pizzella was asked to coordinate a committee for Access to all Communities. The Committee is set up mechanisms that give input to the challenges that the town is having - facing and concerning accessibility for disabled individuals. The county encourages that these committees also then to become a 5013C. They recommend that the committee is composed of a resident who is disabled or a person that represents a disabled family, an OEM Official, a representative of the Recreation Commission and a Representative from the Board of Education as well as a Council

Member to coordinate. Council President is asking that the Mayor consider creating a special committee and then we can appoint members from these various committees so that they can move along and do some work on this committee. Any persons that are interested in being on this committee are asked to please contact Council President Pizzella. The program is the Access for All Committee. There are 70 towns that are working towards making this committee and they can also get grants if they become a 5013C.

Environmental Committee- Council President Frank Pizzella

The second committee that Council President is a liaison to is the Environmental Committee. He wanted to inform everyone that they are having a town wide cleanup day which is April 23<sup>rd</sup>. The town will be providing refreshments. Also Arbor Day is April 29<sup>th</sup> and they may need a little help from the DPW to transport some trees.

The 5<sup>th</sup> Annual Earth Day event is also coming up. It's a big event downtown. The Environmental Commission is asking to hold this event on April 24<sup>th</sup> from 10:00 – 3:00 pm and the Environmental Commission sponsoring it.

Mr. Pizzella also offered his apologies to Mr. Orlando in regards to his trees.

The Environmental Commission is very concerned with how the residents are contacting the town in regards to tree maintenance. We plant a lot of trees and trees are donated. They would like to have Scott Raymond work with the Business Administrator or whomever else and come up with a program that residents can contact to have someone come out and take a look at the tree and what can be done with it. In that notification there would be a priority of what is hazardous and what isn't. Mayor Frank stated that people should contact the Borough Administrator first. So basically it's a tree maintenance program. Council President Pizzella asked if Mr. Orlando would be interested in assisting in this due to his knowledge of trees. Mr. Orlando responded that he would be.

The Environmental Committee would like to ask the town to update the website to explain why the recycling has changed and list what can now be recycled. The Mayor responded that this has been already updated.

Economic Development- Council President Frank Pizzella

Now that we have a Business Administrator, and in Economic Redevelopment, a Business Administrator is very essential as is an Economic Advisor. We are going to start having regularly scheduled meetings. The first meeting will include a chair of the Planning Board and the Borough Planner and the discussion will be to finalize a map that was drafted last year. Council President Pizzella brings this up because at the next meeting, he will call for a Resolution to retain and appoint an Economic Redevelopment Advisor who will prepare the property designation report. This report will be the first component in an Economic Redevelopment initiative. This report will take about 60 days and the Mayor and Council will have time to review it and once reviewed he will call for a resolution directing the Planning Board to review the report and work with the Planner and the Advisor and make sure that it meets all the criteria. They in turn would then give a recommendation back to Council.

Open Space – Council President Frank Pizzella

Hillsdale was invited to participate in a Watershed Walkway along with Woodcliff Lake and Park Ridge and Montvale. At the last meeting, it was agreed that they would start interviewing different parties, planners and architects to put this plan together. Then we would meet again and then come up with the “look-feel” concept of what it would look like and then determine how to proceed. They are down to one and they are getting a proposal on their “look-feel” concept. This plan would then have to go to the Watershed Board for approval.

Council President Pizzella ended with that the band shell at Beechwood Park really needs to be looked at. The top of the band shell that looks like leaves are falling down and hurts someone. The Borough Administrator stated that he will take care of this.

Council Member Looes asked Council President Pizzella that at the last council meeting it was brought up that someone needs to keep track of trees that were donated or purchased to or for the Borough and would this be a part of the committee with the Environmental Committee and it would be a part of that. A Shade Tree Commission was investigated by this tends to become very expensive. The Environmental Commission cannot maintain and follow these trees and that's why they are trying to come up with something with the Borough to have someone do this.

Council Member Looes also asked that at the Earth Fair if it would be possible to have more recycling information there to really let people know what they can and cannot recycle. The Green Team will also have a table set up to teach kids more about recycling as well.

In regards to the Economic Development Advisor, Council Member Looes asked if the Council would be reviewing resumes. Council President Pizzella stated that if that is the wish of the Council, that they certainly can do that. We do have an Economic Developer whose contract can be revised. Mayor Frank asked if we did an RFP for an Economic Developer and we did not because it is was done as a consultant. Mayor Frank said that we do have a proposal from someone who we have been working with for the past year under the same idea.

DPW – Council Member Karcich

Council Member Karcich asked if the Borough Administrator can have the DPW Superintendent to share the list that he created in regards to the trees. Over the winter he had asked the Superintendent to prioritize a list of at risk trees.

Seniors – Council Member Ruocco

Council Member Ruocco reported that in regards to the Seniors, the County held its regular Community Development regional meeting in Old Tappan on March 2, 2016 it was mostly internal reorganization topics but they discussed the allocations of community development grant money which in Hillsdale mostly goes to improve the lives of senior citizens. The next meeting of April 6<sup>th</sup> is important because if you have heard of the saying you gotta be in it to win it, well this is you gotta be there to get. If you are not there you will not be getting your grant. We have a grant for \$4500.00 that is pending before them for seniors that mostly goes to fund the senior lunch program. The region has a regional grant of \$309,000.00 and within that regional grant amount, \$60,000.00 of that goes to what they call public service projects. Those projects are like the senior lunch program. The problem is that when you tally up all of the various towns' requests for the \$60,000.00 is comes to \$120,000.00. So there is likely to be a shaving process at some point. Councilman Ruocco stated that he will be there to hopefully protect our portion from being shaved but there is no guarantee. The next senior lunch is coming up March 16<sup>th</sup> at 11:30 it's the St. Patrick's Day Luncheon. Finally the Division of Taxation has begun mailing out applications for 2015 Property Tax Relief or better known as the "Senior Freeze." The deadline is June 1, 2016. The program is now in its 18<sup>th</sup> year and it reimburses qualifies applicants for property tax increases if they meet certain eligibility standards. More information is available from the tax collector at Borough Hall.

**OLD BUSINESS:**

1. Recreation Sports Agreements- Council Member DeRosa – There was no updated report this evening.

**NEW BUSINESS:** No new business this evening

**2016 BUDGET INTRODUCTION:**

**16-08 (Introduction)**

**CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Hillsdale in the County of Bergen finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 332,914 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hillsdale in the County of Bergen a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Hillsdale shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$332,914, and that the CY 2016 municipal budget for the Borough of Hillsdale be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

BE IT RESOLVED, that Ordinance No. 16-08 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillsdale Avenue, Hillsdale, New Jersey, on April 12, 2016 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

Motion to approve: Council Member Ruocco, Second by Council Member Looes

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

**BUDGET RESOLUTIONS:**

R16079 Introduction of 2016 Budget

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Hillsdale, Bergen County, New Jersey for the year 2016.

BE IT FURTHER RESOLVED, that the said budget be published in the Ridgewood News in the issue of March 11, 2016 and that a hearing on the Budget will be held at the Municipal Building on April 5, 2016 at 8:00 p.m. or as soon thereafter as the matter may be reached.

Motion to approve: Council Member Ruocco, Second by Council Member Looes

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

Council Member Ruocco thanked the Mayor and the Department Heads, the Administrator/CFO as well Paul Garbarini and his staff and the help that they gave in getting the budget together. This year was somewhat difficult because we had resignations not only by the CFO but also the Borough Administrator. We have a budget and we are submitting it on time. The plan is to publish it in the newspaper by March 26, 2016 and have public comment at the next meeting and we hope to adopt it on April 12, 2016. The budget will be on our website for review. Some key take a ways that the residents should be aware of is appropriations, which is spending, is going up by 1.23% which is \$158,000.00 over the prior budget. The municipal tax levy required to balance the budget is 9.3 million dollars which is an increase of \$107,000.00 which is also 1.23% increase. The tax increase on the average home is \$28.00 on the municipal side. Pointing out that school taxes are not accounted for. They are separately determined but they and the county taxes make up about 80% of the overall tax budget. So here in the municipal budget is about 20-21% of your tax bill. Capital expenditures are budgeted at \$150,000.00 for needed equipment upgrades and purchases – this will all be funded internally with no borrowing, unlike last year. If you add in Stonybrook Capital improvements as well as two police vehicles that are being treated as operating expenses you have about a quarter of a million dollars' worth of equipment that we are budgeting for. Other notables, no additional debt, it provides for funding of accumulated absence liability which provides for overall future liability which is a large liability which I am proud to say that we are taking a stab at funding this because its an \$800,000.00 liability that will accrue over several years. So the 2016 budget allocates for \$100,000.00 in that area right now. It also provides for legal costs and meeting affordable housing obligations, the COAH issues. It provides for potential increases in garbage collection expenses in future years. It also provides for an economic development planning. It allows for available and under-utilized past authorizations for the road improvements.

## **DISCUSSION:**

### 1. Employee Handbook

Council Member Ruocco, Council Member Looes and the Borough Administrator have a meeting on Monday at 3:00 to complete this. This process started back in the fall and then got sidetracked for a variety of reasons. We hope to have it completed by next week. Once completed, the Mayor would like it circulated to the Council for their review and then it can be introduced and approved through a resolution.

### 2. Cyber Security

The Borough Administrator, Jonathan DeJoseph stated that we will be utilizing the training by the JIF Insurance Fund for all Borough Employees as well as any one that uses a Borough computer. He will also be looking into other training that will be offered by JIF.

Council Member Ruocco stated that the Acting Borough Clerk, Denise Kohan sent around an email with a link to the training last week. If you don't have it, she can resend it or you can just as easily go on the JIF website as suggested by Council Member Looes. It takes about 20 minutes to go through.

## **CORRESPONDENCE:**

1. Letter received March 1, 2016 from the Hillsdale Volunteer Ambulance Service requesting permission to use the West Borough Parking Lot for a carnival from Tuesday August 21, 2016 to Saturday August 29, 2016 as well as permission to use the excess parking available in the NJ Transit Lot along the Railroad tracks by the DPW Garage.

Mayor Frank asked if the Ambulance Corp has made arrangements with the Police Auxiliary for handling the traffic issues as well as with the DPW for cleanup. Secondly, the Mayor believes that the NJ Transit Lot along the railroad tracks by the DPW Garage is all permanent parking and he does not feel that we can allow the use of that parking. So we need to check this out as well as this could be an issue. At this point we can do a motion to receipt and file until we get the answers to those questions.

Motion to receipt and file: Council Member DeRosa, Second by Council Member Looes

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

- 2. Letter received from Paul Grygiel, the Planning Board Planner in regards to the Sign Ordinance.

Motion to receive, approve and file: Council Member Looes, Second by Council Member Ruocco

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

- 3. Letter received from Friends of the Pascack Brook asking permission to be able to use the Police Booth and set up tables and tents along the south edge of Veterans Park for the Fishing contest on April 16, 2016

Motion to receive, approve and file: Council Member Looes, Second by Council Member Ruocco

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

**ORDINANCES:** *Introductions*

**16-07 (Introduction)**

**AN ORDINANCE TO REVISE THE TERM OF THE ACTING BOROUGH CLERK IN THE BOROUGH OF HILLSDALE**

BE IT RESOLVED, that Ordinance No. 16-07 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillside Avenue, Hillside, New Jersey, on April 12, 2016 and at said time and place all persons interested will be given an opportunity to be heard concerning the same, and the Clerk is hereby authorized and directed to publish said ordinance in the Ridgewood News once, at least one week prior to said hearing, with a notice of its introduction and of the time and place, when and where said ordinance would be considered for final passage.

WHEREAS, the General Code of the Borough of Hillside, Chapter 51, provides for Officers and Employees of the Borough of Hillside; and

WHEREAS, §51-28 provides for vacancies in the Office of the Borough Clerk; and

WHEREAS, §51-28 varies from the state statute N.J.S.A. 40A:9-133(c) in the length of time an Acting Borough Clerk may hold the position; and

WHEREAS, the Mayor and Council of the Borough of Hillside desire to amend the Borough Code §51-28 to assure that it is in compliance with the appropriate State statute.

BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HILLSDALE AS FOLLOWS:

§51-28 shall be amended to read as follows:

In the event of a vacancy in the office of Municipal Clerk, appointment shall be made for a new term and not the unexpired term. The governing body of the municipality shall appoint a person to a three-year term as Municipal Clerk within six (6) months after the Municipal Clerk has resigned or the office has otherwise become vacant. Should the office of Municipal Clerk become vacant, the governing body of the municipality, within 90 days of said vacancy, may appoint a person to serve as Acting Municipal Clerk for a period not to exceed one year and commencing on the date of the vacancy in compliance with N.J.S.A. 40A:9-133(c). Any person so appointed may be reappointed as acting Municipal Clerk, with the approval of the Director of the Division of Local Government Services, for a maximum of two subsequent one-year terms following the termination of the temporary appointment.

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

Motion to receive, approve and file: Council Member Lundy, Second by Council Member Looes

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

**ORDINANCES:** *Adoptions*

**16-06 (Adoption)**

**ORDINANCE OF THE BOROUGH OF HILLSDALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO AMEND CHAPTER 310 Article XVII OF THE BOROUGH CODE ENTITLED "SIGNS"**

WHEREAS, the Borough of Hillsdale has adopted Article XVII of Chapter 310, establishing General Rules and Regulations for signs in the Borough; and

WHEREAS, The Mayor and Council of the Borough of Hillsdale are desirous of amending this section.

NOW BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HILLSDALE AS FOLLOWS:

§310-4 DEFINITIONS shall be amended to include:

**AWNING** A roof-like covering of canvas or cloth that is attached to a frame, which projects from the wall of a building and is supported entirely by the building. Fixed awnings are permitted signage, roll-out awnings are not.

**FLAG** Any fabric or bunting used as a symbol of government, political subdivision, corporation or business or other entity.

**LIGHTING and ILLUMINATION**

A. Temporary signs shall not be illuminated.

B. Any permanent sign permitted by the provisions of this section may be illuminated subject to the following limitations:

- (1) Flashing signs, highly reflective glass or fluorescent paint and illuminated tubing outlining roofs, doors, windows or wall edges of a building are prohibited.
- (2) No action or moving illumination shall be permitted.

- (3) No illumination is permitted which may cause confusion or interference with traffic control signs or lights of emergency vehicles.
- (4) Internal illumination may be permitted provided it is shielded on all sides and back creating forward illumination only.
- (5) LED illumination is prohibited except for “open” signs.

**LOGO** Any symbol, shape, graphic or picture that a company uses to represent itself as a branding tool.

**SIGN** Any object, device, display or structure, or part thereof, situated outdoors or indoors, permanent or temporary in nature, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, logos, fixtures, colors, illumination or projected images.



**SIGN AREA** The entire space within a single continuous perimeter enclosing the extreme limits of a sign or where a sign consists of individual letters or logos, the space bounded by the maximum horizontal and vertical dimensions of the lettering/logo. For double-sided identical signs, only one side constitutes total sign area. See example to the right:

**SIGN, AWNING** A sign that is painted, screened or applied onto an awning.

**SIGN, BANNER** A temporary sign applied to paper, flexible plastic or fabric of any kind.

**SIGN, BILLBOARD** A sign which directs attention to and/or provides advertising for a business, commodity, service or entertainment which is conducted, sold or offered at a location other than the premises on which the sign is located. A billboard may also direct attention to and provide information regarding non-commercial and/or non-profit organizations or messages located on the premises on which the sign is located.



**SIGN, DIRECTIONAL** On-site signage that provides direction or information to pedestrian and/or vehicular traffic that is related to the movement of pedestrian and/or vehicular traffic on the premises (e.g. “entrance”, “exit”, “no parking”, “one-way” and the like).

**SIGN, DIRECTORY** Any sign that contains listings of two (2) or more commercial establishments that share a common entrance.

**SIGN, FEATHER FLAG** A freestanding sign that is comprised of a pole and flag that is typically taller than wider. The sign is lightweight and portable. An example of the variations of feather flags is shown below.



**SIGN, FENCE** Any sign attached to a chain link, picket or board fence.

**SIGN, FREESTANDING** A non-moveable sign not affixed to a building or structure. Freestanding signs can be mounted directly to the ground, where the entire bottom is in contact or close to the ground (monument sign), or can be mounted to a pole or poles.

**SIGN, INCIDENTAL** A sign not exceeding one (1) square foot attached to a building, wall or door that provides information (e.g. “employee entrance”, “receiving”, etc.). Incidental signs may be externally illuminated with downward focused light sources.

**SIGN, MENU BOX** A weather-tight box used to display menus, which is mounted to the building façade and projects no more than three (3) inches from the building façade. See the example to the right.

**SIGN, OFF-PREMISES** A sign that advertises or announces a use conducted or goods available elsewhere than the lot or building where the sign is located.

**SIGN, ON-PREMISES** A sign that advertises or announces a person occupying the premises, a use conducted or goods available on the lot or in the building where the sign is located.

**SIGN, OPEN** A sign not exceeding two (2) square feet, attached to a door or window, which states “open”. Said sign may be illuminated. These signs shall be counted when calculating the maximum permitted area for window signs.

**SIGN, POLITICAL** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

**SIGN, PORTABLE** A freestanding sign not permanently affixed, anchored or secured to the ground or a structure on the lot it occupies or any sign mounted on wheels, excluding signs affixed to or painted on a vehicle. Includes sandwich boards and blackboards.

**SIGN, PROJECTING** A sign that is wholly or partly supported by a building wall and projects perpendicularly twelve (12) or more inches from the building wall. Examples of projecting signs are shown below:



**SIGN, TEMPORARY** A sign or advertising display that is not permanently mounted and is constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time. Temporary signs shall not be illuminated.

**SIGN, STREET ADDRESS** Any sign denoting the street address of the premises on which it is attached or located.

**SIGN, VEHICLE** A sign or signs where the total sign area covers more than ten (10) square feet of the vehicle.

**SIGN, VENDING MACHINE** Any sign displayed on all or part of a vending machine.

**SIGN, WALL** All flat signs of solid-face construction and/or individual letters which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure, so that the display surface is parallel with the plane of the

wall. Signs painted on an exterior wall shall be deemed to be wall signs subject to all applicable requirements.

**SIGN, WINDOW** A window sign is any sign temporarily or permanently affixed to the glass of a window or door of a business or that is visible through a window or door and placed on a permanent basis within two (2) feet of the glass.

**SUSTANTIALLY DAMAGED OR DESTROYED** As it pertains to a non-conforming sign: 50% or more of the upright supports of a sign structure are physically damaged such that normal repair practices of the sign industry would call for, in the case of wooden structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25% of the length above ground of each broken, bent or twisted support; or more than 50% of the area of a projecting or wall sign is physically damaged such that normal repair practices of the sign industry would call for the same to be replaced or repaired.

The remainder of §310-4 shall remain unchanged.

**§310-61 GENERAL PROVISIONS** shall be amended to read as follows:

A. General Provisions Applicable to All Signs Within the Borough of Hillsdale

- (1) No sign may be positioned on a structure so that it obscures any architectural feature, including but not limited to windows, transoms, cornices, trim, porch railings, etc.
- (2) No sign shall be erected in such a way as to obstruct a door, window or fire escape of the building to which the sign is affixed.
- (3) No sign as regulated by this Chapter shall be erected at or near an intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop”, “look”, “danger” or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- (4) Obscene matter prohibited. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.
- (5) All signs shall be constructed of quality materials and shall complement the building’s architecture.
- (6) All freestanding signs shall be set back ten (10) feet from all property lines unless otherwise stated in this Chapter.
- (7) All signs shall be maintained in good condition and not allowed to become dilapidated. All signs and their supports shall be kept in continual repair, including cleaning, painting, replacing of defective parts and otherwise maintaining a presentable condition.

B. Prohibited Signs Within the Borough of Hillsdale.

- (1) The following signs and sign types are prohibited within the Borough and shall not be erected. Any lawfully existing permanent sign or sign type which is among the prohibited signs listed below shall be deemed a non-conforming sign subject to the provisions of §310-61.C.:
  - (a) Billboards.

- (b) No freestanding signs shall be at any point more than eight (8) feet above the ground level.
- (c) Signs with flashing, moving or intermittent lighting of any kind, except for carnivals or special events, which have received authorization from the Governing Body. Also exempt are “open” signs which may flash.
- (d) LED illuminated signs, except for “open” signs.
- (e) Portable signs.
- (f) Temporary signs tacked, posted or painted to benches, barrels, buildings, posts, trees, sidewalks, curbs, rocks or any structure.
- (g) Signs that list the names of developers, contractors, subcontractors, engineers or architects on a job site beyond the duration of construction activities or issuance of a certificate of occupancy.
- (h) Signs placed on a public sidewalk or public property, except for signs erected by the Borough or with authorization of the Mayor and Council.
- (i) Roof signs, including signs mounted on mansard roofs.
- (j) Signs painted on the window or the facade of the building, excluding water-soluble paints for seasonal displays.
- (k) Flashing or steady-burning ornamental lights displayed within one (1) foot of a window that are visible to the public for the purpose of enhancing or supplementing the visual attraction to a commercial business. Such lights are permitted for seasonal use to the extent that they are not displayed for longer than sixty (60) days per year and do not create a hazard to safety in the judgment of the Police Department.
- (l) Signs that emit smoke, visible vapor or smoke, sound, odor or visible particles.
- (m) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
- (n) Signs within a sight triangle that obstruct a clear view of pedestrian and/or vehicular traffic.
- (o) Signs which contain or consist of balloons, blimps, streamers, feather flags, spinners or other similar moving devices. Feather flags without letters or logos are also prohibited. Pennants, when not in conjunction with permitted grand opening signs.
- (p) Signs with more than two (2) faces.
- (q) Vehicle signs when the vehicle is not regularly used in the conduct of the business or activity located on the property; and where the vehicle is visible and parked within fifty (50) feet of a street right-of-way.

C. Non-Conforming Signs and Removal of Certain Signs.

(1) Non-Conforming Signs. A non-conforming sign that was lawfully erected may continue to be maintained until the non-conforming sign is substantially damaged or destroyed. At such time that the non-conforming sign is substantially damaged or destroyed, the non-conforming sign must either be removed or be brought into conformity with this Chapter and with any other applicable law or regulation.

- (a) Routine maintenance. Routine maintenance is intended to include such activities as cleaning, replacement of light bulbs, fasteners, etc., removal of rust and corrosion and repainting. Specifically prohibited is the replacement of the sign structure, in whole or in part.
- (b) Alteration of non-conforming sign use. Any sign which is non-conforming shall not be enlarged, extended, relocated or altered in any manner.

(2) Removal of Certain Signs.

- (a) When a single-occupancy business ceases operation for more than sixty (60) days:
  - [1] Any sign face identifying or advertising such business shall be immediately removed.
  - [2] If the sign is a pre-existing non-conforming sign, the sign and all its supporting structures shall be immediately removed.

- (b) When an owner entity, such as a shopping center or multi-tenant building, changes and the owner's name is on the sign, then within ninety (90) days the sign shall be removed and replaced if it is non-conforming.
- (c) Business owners will be notified of any violations of (a) and (b) above, which exist beyond the above established time periods and will be given thirty (30) days to comply with the notice before fines are imposed. Failure to remedy the violation will result in fines not to exceed \$50 per violation per day.

D. Exempt Signs. The provisions and regulations of this Chapter, including §310-61.E, shall not apply to the following signs:

- (1) Street address signage shall be provided on each building or for each building tenant. Street address signage may be placed on the façade, the door or on a permitted freestanding sign. A corner building may have street address signage on both street-facing facades.
- (2) Signs not exceeding one (1) square foot in area and bearing only names of occupants of premises or other identification of premises not having commercial connotations.
- (3) Flags of any government entity are permitted within the Borough. However, residential parcels shall be limited to one (1) flagpole, which shall be set back a minimum of ten (10) feet from all property lines. A flagpole shall not exceed twenty (20) feet in height.
- (4) Traffic or other municipal signs, legal notices, identification, informational or directional signs erected or required by governmental bodies.
- (5) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights. This shall include names of buildings and date of erection.
- (6) Directional signs. On-site directional signs, not exceeding three (3) square feet in area and three (3) feet in height shall be permitted as needed for safety. Directional signs may bear the company's logo, which may be a maximum of one (1) square foot. On-site directional signs may be internally illuminated.
- (7) Parking lot markers. Parking lot markers may include paint stenciled on the pavement and freestanding pole signs that are maximum height of six (6) feet and have an area no greater than two (2) square feet. Parking lot markers including signs denoting handicapped spaces, the numbering of spaces, words such as "reserved" and the like shall be permitted as needed.
- (8) Political signs. A political sign may be displayed as a freestanding sign. A political sign shall be removed within seven (7) calendar days following the election to which it pertains.
- (9) Open signs. For each permitted non-residential establishment, one (1) open sign is permitted. See Section 310-4 "Definitions" for parameters.
- (10) Temporary construction signs. Temporary construction signs shall be permitted identifying the owner, architect, builder, realtor and/or contractor on the premises on which a building is being constructed, altered or repaired, subject to the following limitations:
  - (a) For each residential parcel, one (1) temporary construction sign shall be permitted. For commercial and industrial parcels two (2) signs are allowed.
  - (b) Temporary construction signs shall not exceed five (5) square feet in area and four (4) feet in height.

- (11) Temporary real estate signs, subject to the following limitations:
  - (a) For each parcel, one (1) temporary real estate sign for each street frontage may be displayed.
  - (b) For a parcel in residential use, the temporary real estate sign shall not exceed six (6) square feet in area and three (3) feet in height. For a parcel in non-residential use, the sign shall not exceed twenty (20) square feet in area and five (5) feet in height.
  - (c) Temporary real estate signs shall be removed within seven (7) days following the closing or settlement of a sale, lease or rental of the real estate that was offered for sale, lease or rent.
  
- (12) Temporary window signs. Where window signs are permitted, temporary window signs advertising special sales or events shall be permitted, subject to the following limitations:
  - (a) One (1) or more temporary window signs may be displayed at the same time.
  - (b) Temporary window signs shall not cover more than 25% of the glass surface.
  - (c) Temporary window signs shall not be displayed for a period longer than twenty (20) days.

E. Permits.

- (1) No person shall erect, alter, locate or relocate or reconstruct within the limits of the Borough of Hillsdale any sign or signs without first having obtained and paid for and having in force and effect a zoning permit for the location of such sign or signs from the Zoning Official of the Borough of Hillsdale.
  
- (2) Permit procedures and guidelines.
  - (a) Any sign not exempt under §310-61.D. must receive approval from the Zoning Official.
  - (b) Permit review.
    - [1] Applications for new signs or alterations to existing signs shall be prepared by the applicant and submitted to the Zoning Official.
    - [2] Applications and copies of the regulations for signage are available from the Borough.
    - [3] Questions about the regulations may be addressed to the Zoning Official.
    - [4] Sign design should take into account how it will be constructed, where it will be located and how it will be mounted. Signs shall not be constructed until approval is obtained from the Zoning Official.
  - (c) Application description. An application must include the following to be considered complete:
    - [1] A completed application form.
    - [2] An accurately scaled, fully dimensioned drawing that is legible, clear and prepared to a scale, of the proposed sign and supporting frame, construction, details, copy, illumination, etc.
    - [3] A scaled drawing or photograph of the building for which the sign is proposed, with the location of the sign accurately indicated.
  
- (3) Fee schedule. All applications will require a zoning review fee and a permit fee. Fees shall be as provided in Chapter 138, Fees.
  
- (4) Upon issuing a sign permit, the Land Use Officer shall furnish duplicates thereof to the Zoning Officer of the Borough of Hillsdale and to the Hillsdale Construction Code Agency.
  
- (5) Building Code compliance. All signs and all parts thereof, including but not limited to framework, supports, background, anchors and wiring system, shall be constructed and maintained in

compliance with the applicable building, electrical and fire prevention codes of the Borough.

- (6) Relocation of signs. Any sign that is moved to a new location, either on the same structure or to other premises, shall be considered a new sign and a permit shall be secured for any work performed in connection therewith, and it shall be in conformance with the requirements herein.
- (7) Enforcement. Enforcement of all sign regulations shall conform to the general enforcement powers conferred by statute and conditions set forth by the Zoning Official.
- (8) Commercial signs in residential zones. In the event that the Planning Board grants a variance to permit a commercial use in a residential zone the signage for said use shall conform to regulations provided for commercial zones in §310-65.

§310-62 shall be amended to read as follows:

### **§310-62 Signs Permitted For Specific Uses**

The following uses are permitted within certain districts within the Borough. The signs in this section are required to obtain permits. In addition to the signs that are permitted pursuant to §310-61.D., the following signs shall be permitted for each of the following specific uses:

- A. For parcels containing a permitted public park or public building, the following signs are permitted:
  - (1) One (1) illuminated permanent freestanding sign per public street frontage. The maximum sign area shall be sixteen (16) square feet.
  - (2) Public buildings shall be permitted wall signs and incidental signs as needed for identification purposes as determined by the Borough.
  - (3) Temporary freestanding or banner signs may be erected for the purpose of advertising local charitable or non-profit events. Each parcel is permitted a maximum of one (1) temporary freestanding or banner sign. Said sign shall not exceed twelve (12) square feet in area and five (5) feet in height. Said sign shall not be displayed for a period longer than twenty-one (21) days.
- B. For parcels containing a conditionally-permitted public or private non-profit school, the following signs are permitted:
  - (1) One (1) illuminated permanent freestanding sign per public street frontage. The maximum sign area shall be twenty (20) square feet. Said sign may be digital.
  - (2) One (1) wall sign per public entrance. The maximum sign area shall be thirty-two (32) square feet for each permitted wall sign. Said signs may be externally illuminated.
  - (3) Incidental signs are permitted as needed and determined by the school and Zoning Official.
- C. For parcels containing a conditionally-permitted place of worship, the following signs are permitted:
  - (1) One (1) illuminated permanent freestanding sign per public street frontage. The maximum sign area shall be sixteen (16) square feet. Said sign may be digital.

- (2) One (1) wall sign per street frontage. The maximum sign area shall be thirty-two (32) square feet for each permitted wall sign. Said sign may be externally illuminated.
- (3) One (1) freestanding bulletin board, which may or may not have changeable letters. Said sign shall not exceed fifteen (15) square feet in area and six (6) feet in height. The sign shall be set back at least twenty (20) feet from all property lines. The sign may be illuminated.
- (4) A maximum of two (2) incidental signs are permitted.
- (5) Temporary religious banners may be erected by places of worship for the purpose of advertising meeting dates or special events for said institution. Each place of worship is permitted a maximum of one (1) temporary religious banner. Said sign shall not exceed fifteen (15) square feet in area and five (5) feet in height. A temporary religious sign shall not be displayed for a period longer than twenty-one (21) days.

D. Public service and charitable organization signs. Non-business related signs, which provide notice of local charitable or non-profit events, may be displayed as temporary window signs where temporary window signs are permitted within the Borough. These signs shall be counted in the maximum area permitted for temporary window signs. Said signs may be displayed a maximum of twenty-one (21) days prior to the event and shall be removed immediately thereafter. If the building's windows are not transparent, the public service and/or charitable organization sign may be hung on the exterior of the building.

**§310-63** shall be amended to read as follows:

**§310-63 Signs Permitted in Residential Districts Only**

In addition to the signs that are permitted pursuant to §310-61.D., the following signs shall be permitted in the R-1, R-2, R-3, R-4, TC and SC Districts:

- A. One (1) wall sign indicating a permitted home professional office in the R-4 District, where a home professional office is permitted by ordinance and/or registered with the Borough, provided that such sign shall not exceed two (2) square feet in area. Said sign may be externally illuminated.
- B. Freestanding signs for permitted townhouse or senior citizen communities, where permitted by ordinance, subject to the following limitations:
  - (1) One (1) freestanding sign shall be permitted per public street frontage.
  - (2) The maximum sign area shall be sixteen (16) square feet.
  - (3) The maximum sign height, including structure and sign area, shall be six (6) feet above the existing grade.
  - (4) Freestanding signs may be externally illuminated.

**§310-64** shall be amended to read as follows:

**§310-64 Signs Permitted in the Industrial District**

In addition to the signs that are permitted pursuant to §310-61.D., the following signs shall be permitted in the Industrial District:

- A. Wall signs, subject to the following limitations:
  - (1) One (1) wall sign shall be permitted per business/tenant per public street frontage.
  - (2) Each permitted wall sign shall have a maximum sign area of 90% of the linear business frontage in feet, with a maximum area of thirty-two (32) square feet. For example, if the linear business frontage is twenty-five (25) feet, the maximum sign area shall be twenty-two and a half (22.5) square feet.
  - (3) The sign shall not project more than twelve (12) inches from the building façade.

- (4) The top edge of a wall sign shall not be installed more than twenty (20) feet above the ground and shall not extend beyond the top of the building.
- (5) Wall signs may be illuminated.

B. Freestanding signs, subject to the following limitations:

- (1) Properties with two (2) or more businesses/tenants may have a freestanding sign.
- (2) A maximum of one (1) freestanding sign is permitted per parcel.
- (3) Freestanding signs shall not exceed thirty (30) square feet in area and eight (8) feet in height.

C. Directory signs, subject to the following limitations:

- (1) Where a building has upper story non-residential uses, one (1) directory sign shall be permitted per entrance to said upper story establishments. Said sign shall be located next to the exterior entrance to the upper story establishments.
- (2) The maximum sign area shall be three (3) square feet.
- (3) Directory signs may be illuminated by downward focused lights, such as gooseneck lights.

D. Flagpoles. One (1) flagpole is permitted on each non-residential parcel. A flagpole shall not exceed twenty-five (25) feet in height and shall be set back a minimum of fifteen (15) feet from all property lines and from any other structure. Each flagpole is limited to one (1) flag, not greater than fifteen (15) square feet in area.

E. Incidental signs. A maximum of three (3) incidental signs are permitted per business/tenant.

§310-65 shall be amended to read as follows:

**§310-65 Signs Permitted in the Commercial District**

In addition to the signs that are permitted pursuant to §310-61.D, the following signs shall be permitted within the Commercial District:

A. A permitted ground floor use may have a **wall OR projecting OR awning** sign. A business wishing to have a combination of the aforementioned signs shall be required to obtain a variance. The standards for wall, projecting and awning signs are as follows:

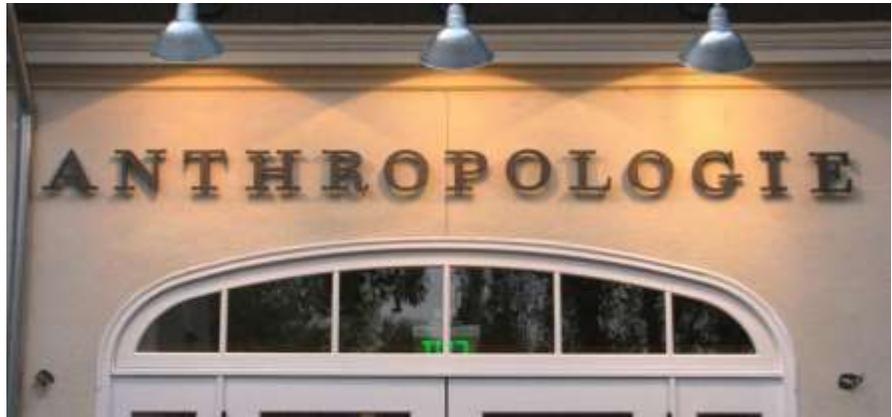
(1) Wall signs, subject to the following limitations:

- (a) One (1) wall sign shall be permitted per ground floor use per public street frontage.
- (b) The following types of wall signs shall be permitted:

[1] Individually internally illuminated channel letters. Example shown below.



[2] Individual externally illuminated raised letters. Example shown below.



[3] Back-lit raised letters with concealed ballast, which creates a halo effect. Example shown below.



[4] Internally lit raised letters with concealed ballast. Example shown below.



[5] Signage board with or without gooseneck lighting. Example shown below.



(c) The horizontal dimension of the sign shall not exceed 80% of the width of the building frontage occupied by the use.

- (d) Each permitted wall sign shall have a maximum sign area of 95% of the linear business frontage in feet, with a maximum area of twenty-four (24) square feet. For example, if the linear business frontage is twenty (20) feet, the maximum sign area shall be nineteen (19) square feet.
- (e) Wall signs shall not project more than twelve (12) inches from the building façade.
- (f) The top edge of a wall sign shall not be installed above the bottom of any second floor windows or within one (1) foot of the top of a parapet.

(2) Projecting signs, subject to the following limitations:

- (a) One (1) projecting sign shall be permitted per ground floor use per public street frontage.
- (b) The maximum sign area shall be ten (10) square feet.
- (c) The lower edge of a projecting sign shall be at least eight (8) feet above the sidewalk or grade. The highest edge of a projecting sign shall be no more than fourteen (14) feet above the sidewalk or grade.
- (d) A projecting sign shall be attached to its support so that it does not swing.

(3) Awning signs, subject to the following limitations:

- (a) One (1) awning sign shall be permitted for each business on the first floor of a commercial building.
- (b) The maximum sign area shall be 90% of the linear business frontage in feet, with a maximum area of twenty (20) square feet. For example, if the linear business frontage is twenty (20) feet, the maximum sign area shall be eighteen (18) square feet.
- (c) The horizontal dimension of the text/logo shall not exceed 90% of the width of the awning.
- (d) The lower edge of an awning sign shall be at least eight (8) feet above the sidewalk or grade. No roll-out type of awning may extend greater than six (6) feet beyond the building façade or within eighteen (18) inches of the curb face. All fixed awnings shall extend no farther than three and a half (3.5) feet beyond the building façade.
- (e) Awnings may be illuminated with downward lighting, such as gooseneck lighting.

B. Supplemental wall signs, subject to the following limitations:

- (1) One (1) externally-illuminated wall sign is permitted on a rear façade with a business entrance facing a parking area.
- (2) The maximum sign area shall be six (6) square feet.
- (3) The sign shall not project more than six (6) inches from the building façade.
- (4) The sign shall be located next to the business entrance and the top edge of the sign shall be no higher than ten (10) feet above the sidewalk or grade.

C. Directory signs, subject to the following limitations:

- (1) Where a building has upper story non-residential uses, one (1) directory sign shall be permitted per entrance to said upper story establishments.
- (2) The maximum sign area shall be four (4) square feet.
- (3) Directory signage shall be located next to the exterior entrance to the upper story establishment(s). The top edge of the sign shall be no higher than seven (7) feet above the sidewalk or grade.

D. Freestanding signs, subject to the following limitations:

- (1) Properties where the building is set back sixty (60) feet or more from the right-of-way may have a freestanding sign.
- (2) There shall be no more than one (1) freestanding sign per property.
- (3) Freestanding signs shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.
- (4) Freestanding signs may be internally or externally illuminated.

- E. Window signs , subject to the following limitations:
- (1) Permitted ground floor and upper story non-residential uses may have window signs.
  - (2) Window signs shall not exceed 25% of the area of the glass surface, but in no event shall they exceed a total of thirty-six (36) square feet; the more restrictive limitation shall apply. Window signs on doors shall not exceed 10% of the glass area of the door on which they are affixed.
  - (3) All window signs shall be neat, clean and professional-looking. Window signs shall pertain only to the establishment occupying the premises where the window is located.
  - (4) Illuminated interior signs located within six (6) feet of the window glass or door glass of a building shall be considered a window sign and shall meet all applicable requirements for window signs.
  - (5) Indirectly illuminated interior signs located within two (2) feet of the window glass or door glass of a building shall also be considered a window sign and shall meet all applicable requirements for window signs.
- F. Menu boxes. One (1) menu box is permitted for each restaurant, which shall not exceed a maximum of three (3) square feet. The front of the box shall be comprised of clear safety glass, plastic or similar materials.
- G. Flagpoles. One (1) flagpole is permitted on each non-residential parcel. A flagpole shall not exceed twenty-five (25) feet in height and shall be set back a minimum of fifteen (15) feet from all property lines and from any other structure. Each flagpole is limited to one (1) flag, not greater than fifteen (15) square feet in area.
- H. Temporary grand opening signs, subject to the following limitations:
- (1) One (1) temporary grand opening or coming soon sign may be displayed for the grand opening of a business, relocation of a business or to announce the approaching arrival of a new business. Additionally, a maximum of two (2) strings of pennants may be hung in conjunction with the sign. Said pennants shall not be attached to public or private trees or public street lights. No words or logos are permitted on pennants.
  - (2) Said sign shall not exceed a maximum of twenty (20) square feet.
  - (3) Said sign shall be located within the window of the commercial establishment or on the exterior of the building no higher than the roofline.
  - (4) A temporary grand opening sign shall not be displayed for a period longer than forty-five (45) days.

**§310-67(A)** shall be amended as follows:

Sections (1) through (9) remain unchanged.

Sections (10) – (13) are amended as follows:

- (10) Motor vehicle service stations shall comply with the sign requirements contained in §310-61.A. through §310-61.E.
- (11) One freestanding sign, which may be internally or externally illuminated, shall be permitted for each street frontage, said sign not to exceed 8 feet in height and 40 square feet in area.
- (12) One wall sign shall be permitted per public street frontage. The wall sign shall comply with the provisions of §310-65.A(1)(b). Each permitted wall sign shall not exceed 24 square feet in area. Wall signs shall not project more than 12 inches from the building façade.
- (13) Window signs shall be permitted in accordance with §310-65.E(1) through (5).

All Ordinances of parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word,

phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

**PUBLIC HEARING:**

Motion to open public hearing on Ordinance 16-06: Council Member Ruocco, Second by Council Member DeRosa

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

I will now open the meeting to the public. If anyone desires to be heard regarding Ordinance No. 16-06, please raise your hand to be recognized, come forward to the microphone and state your name and address for the record.

Burt Simpson – 197 Forest Avenue

First Mr. Simpson asked that the points that he brought up verbally with the Administrator were they recognized. The Mayor responded that in order for that to happen, he would have to write a letter to the Mayor and Council for it to be receipt and filed. His first letter was but there was nothing received after that. The Mayor has a copy of that original letter and he will entertain it as he goes forward with any possible amendments. His main concern is that house numbers should be on the house in more than one location – one on the front and one on the side so that they can be seen from any angle to make houses easier to find.

The Mayor thanked Mr. Simpson for his comments.

I entertain a motion that the public hearing on Ordinance No. 16-06 be closed and that it be resolved that this ordinance was posted on the bulletin board on which public notices are customarily posted and published in the Ridgewood News. Copies of said ordinance were made available to the general public. Now, therefore, be it resolved that this ordinance be adopted and the Clerk is authorized to advertise the same according to law.

Motion to closed public hearing on Ordinance 16-06: Council Member DeRosa, Second by Council Member Looes

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

Motion to adopt Ordinance No. 16-06 Council Member Looes, Second by Council Member Lundy

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

Mayor Frank added a comment in regards to the Sign Ordinance that the Planning Board will be reviewing this and giving additional input in the future. As well as giving input on ordinances and codes that they feel need to be addressed. He has met with our Zoning Official and we have not enforced our sign ordinance in town for about 3-4 years. Its obvious if you walk up and down Broadway. We are going to start a gradual phase in and give all of our commercial properties a chance to make the changes.

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**RESOLUTIONS:(Consent Agenda): R16074 through R16078**

R16074 Appointment of Daniel O'Rourke, Acting DPW Superintendent

WHEREAS, the Borough desires to appoint Daniel O'Rourke to the position of Acting DPW Superintendent for the Borough of Hillsdale; and,

WHEREAS, Daniel O'Rourke desires to serve in the position of Acting DPW Superintendent and to enter into an Employment Agreement to perform such duties with the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that Daniel O'Rourke is hereby appointed Acting DPW Superintendent for the Borough of Hillsdale; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the Mayor is hereby authorized to execute an Employment Agreement with Daniel O'Rourke to serve as Acting DPW Superintendent on behalf of the Borough.

R16075        A Resolution Awarding Contract with Lehmann Pools & Spas for 2016 Stonybrook Swim Club Filter Pump Replacements

WHEREAS, the Borough of Hillsdale promulgated bid specifications to obtain bids for the replacements of various filter pumps at Stonybrook Pool; and,

WHEREAS, bids were obtained in accordance with applicable law and bids for the Project were opened February 25, 2016 at Borough Hall; and,

WHEREAS, two (2) bidders responded to the Request for Bids; and,

WHEREAS, the lowest responsible bidder was Lehmann Pools & Spas with a bid of Thirty-Five Thousand Five Hundred Dollars (\$35,500.00) Dollars; and,

WHEREAS, Lehmann Pools & Spas has met all of the bid specifications for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the contract for the Stonybrook Swim Club Filter Pump Replacements are awarded to Lehmann Pools & Spas, 644 Wyckoff Avenue, Mahwah, New Jersey 07430 and the Mayor and Acting Borough Clerk are hereby authorized, on behalf of the Borough, to execute an Agreement with Lehmann Pools & Spas in the amount of Thirty Five Thousand Five Hundred Dollars (\$35,500.00) Dollars; A copy of the executed Agreement shall be on file in the office of the Acting Borough Clerk.

R16076        A Resolution Authorizing Redemption & Premium for Block 708 Lot 8 b/k/a 40 Cherry Place

WHEREAS, The Tax Collector held a Tax Sale on October 21, 2015 and at the sale a lien was sold on Block 706 Lot 8, also known as 40 Cherry Place, Hillsdale, NJ 07642 for 2014 Delinquent taxes and,

WHEREAS, this lien, known as Tax Sale Certificate #14-00002 was sold to Madison Trst Co, as coll assig Stonefield Inv Fund IV, LLC, 21 Robert Pitt Dr., Suite 207, Monsey, NY 10952 for 0% redemption fee and a \$63,000.00 premium and,

WHEREAS, Chase Bank, 3415 Vision Drive, Columbus, OH 43219-6009 has effected redemption of Certificate #14-00002 in the amount of \$29,418.18.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to issue

a check in the amount of \$29,418.18 payable to Madison Trst Co, as coll assig Stonefield Inv Fund IV, LLC for the redemption of this certificate.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to issue a check in the amount of \$63,000.00 (Premium) to the aforementioned lienholder.

R16077        A Resolution Amending Resolution 16029 – Authorizing Redemption & Premium Block 708 Lot 5 b/k/a 50 Pascack Road

WHEREAS, The Tax Collection held a Tax Sale on October 21, 2015 and at the sale a lien was sold on Block 708 Lot 5, also known as 50 Pascack Road, Hillsdale, NJ for 2014 delinquent taxes and,

WHEREAS, this lien, known as Tax Sale Certificate #13-00004 was sold to US Bank cust BV001 Trst & Crdts, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102-2513 for 0% redemption fee and a \$160,100 premium and,

WHEREAS, US Bank cust BV001 Trst & Crdts paid \$28,410.00 and is entitled to the 6% penalty of \$1,757.14 which was not included on the original resolution,

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is authorized to issue

a check in the amount of \$1,757.14 payable to US Bank cust BV001 Trst & Crdts for the 6% penalty.

R16078        Payment of Bills

BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the following bills in the sum of \$3,660,778.89 as authorized by the Department Head and approved by a Council member liaison, be paid; and that the Mayor, Clerk and Chief Financial Officer be and they are hereby authorized and directed to issue warrants in payment of same.

Motion to approve Resolutions 16074 through 16078: Council Member DeRosa, Second by Council Member Looes

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None

**PUBLIC COMMENT:**

Mayor Frank opened the meeting to the public. Seeing no one else, the public portion of the meeting is closed.

Borough Attorney Mark Madaio stated that when we introduced the budget which would be ordinance 16-08, the date for passage is listed as April 12<sup>th</sup>. The introduction of the budget Resolution indicates that the date for passage is April 5<sup>th</sup> which is what is also in the actual budget documents. His understanding is that it is going to be on April 5<sup>th</sup>. He would like to ask everyone to make it clear that we will revisit Ordinance 16-08 and make clear to the public and everyone else that the language - “BE IT RESOLVED, that Ordinance No. 16-08 does now pass a first reading and that said Ordinance be further considered for final passage at a meeting of the Mayor and Council in the Municipal Building, 380 Hillsdale Avenue, Hillsdale, New Jersey, on **April 5, 2016** is the correct language. So let this reflect in the record that this is the actual date.

**COUNCIL COMMENTARIES:**

Councilmember Lundy first would like to congratulate Denise Kohan on her appointment of Acting Borough Clerk, very well deserved. Secondly, Council President Pizzella, Councilwoman Looes and herself attended the Court of Honor for the Eagle Scouts on Saturday, where Hugh Cassidy, Anthony Conte and Jonathan Boyle was a very nice ceremony and she was honored to be there. She also pointed out that Stonybrook registration will begin on March 14<sup>th</sup> and if you register prior to May 5<sup>th</sup> there is a discount. You can go on line under Community Pass starting March 14<sup>th</sup> and register for the pool. March 19 is NJ Makers Day and the Public Library is looking for makers, inventors, crafters and if you are interested to go see Dave at the Library. HBSA opening day is April 2<sup>nd</sup>. The Council, the Recreation Commission, everybody is invited to come down at 10:00 am. Lastly, since we won't be meeting before Easter, she would like to wish everyone a Happy Easter.

Councilmember Ruocco said that he wanted to express thanks to Joe Solda III for his willingness to serve on the Hillsdale Fire Department. That willingness that he is willing to sacrifice time and his own personal risk to their own wellbeing to help us as residents is something that should be admired. He would also like to congratulate Jon DeJoseph on him being the Borough Administrator/CFO as well as Denise Kohan for assuming the role as Acting Borough Clerk. He looks forward to working with both of them.

Finally, he would like to wish everyone a Happy St. Patrick's Day that's coming up as well as a very Happy Easter.

Council President Pizzella would like to congratulate, Denise, Jon and Dan and Mr. Solda and the Eagle Scouts. He would like everyone to know that we are still working on the train station and he has been getting tons of emails and calls and letters. People want to offer their time and their skill to restore the train station. He would like to update everyone and let them know that we are still waiting on NJ Transit to give their signature. We should be getting that very shortly at which point we can move forward for our plans for fundraising and all the great things that we want to do. He would like to thank everyone that has reached out.

Lastly he would like to wish everyone a Happy St. Patrick's Day and a Happy St. Joseph's Day for all his fellow Italians and Happy Easter.

Councilmember Karcich wanted to welcome Jonathan DeJoseph back. We finally have a BA, CFO and QPA in the house. He also wanted to thank the Mayor, Councilmember Ruocco and Councilmember Lundy for working really hard on the budget. Also it's great to have another member on our fire department. And a congratulations to Denise and Dan as they are a great asset to the team.

Councilmember Looes would like to congratulate Denise, Jon and Dan as well. She would like to congratulate the new Eagle Scouts as she was able to attend the ceremony. She has a son the same age and to watch them grow from kindergarten to these fine young men is a testament of our community that we have these young people that give back sends a great message. She also wishes everyone a Happy Easter.

Councilmember DeRosa stated that like everyone else, he would like to congratulate Jon, Dan and Denise, it's great to see them advance. Just a reminder that the mobile passport services will be here March 15, 16, 17 from 10:00 am – 2:00 pm. Also don't forget the Easter egg hunt is this Saturday at Beechwood Park at 9:00 am.

A special thank you to the Finance Committee for working hard on the budget as it's a difficult task. Happy St. Patrick's Day and Happy Easter as well to everyone.

Borough Administrator Jon DeJoseph added that he would like to thank the Mayor and Council for hiring him and he looks forward to working with everyone.

Acting Borough Clerk, Denise Kohan thanked the Mayor and Council for having faith in her and giving her the opportunity. She is looking forward to get going and working with everyone at a different level.

Mayor Frank also wanted to thank everyone. Mayor Frank stated that in working with Denise Kohan in the last few months its been an interesting ride and she certainly deserves the recognition that was given tonight and that he knows she will do a heck of a job for the town and that they are fortunate to have her. He would also like to welcome back Jon DeJoseph who has done a great job for the town in the past and will continue to do so. His first week on Council was back in 2010. He was put on the finance committee and Jon came over on the weekend and spent hours with him just going over the public budget which was different than anything that the Mayor had ever experienced. Prior to Presidents Day this year, Jonathan also sat with Councilmember Ruocco and

the Mayor and went over the budget and how they could make the budget work and get it where it is today. He thinks we have a great budget going forward and its very respectful of the residents tax dollars. Which is one thing that the Mayor intends to do is to never waste a residents tax dollars that isn't a benefit to the entire town. Also he would like to congratulate the Fire Department on having Joe Solda III join as a new member. It really should be fire and rescue because most of the time its not about putting out fires but rescuing those from motor vehicle accidents they assist the police and other departments when they need to help residents in other ways. So our Fire Department does a lot more than just putting out fires. The name Fire Department just doesn't tell the whole story so its nice to see in the past couple of years a constant flow of new cadets. This is a great testament to our Fire Department. He would also like to thank Council President Pizzella on all his work in regards to economic development. This is something that is absolutely necessary for the future of Hillsdale. There are several areas in the Borough that are in desperate need of redevelopment. This is something that is going to take 5-10 years to do – its not an overnight project. But if we start now, it's going to change the nature of some of these more blatted areas, so thank you Council President Pizzella.

Lastly, the Mayor wishes everyone a happy Easter and St. Patrick's Day.

**ADJOURNMENT:** @

Motion to approve adjourn: Council Member Ruocco, Second by Council Member Lundy

Roll Call Vote:

Ayes: Council Members DeRosa, Karcich, Looes, Lundy, Ruocco, Council President Pizzella

Nays: None  
**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE  
TUESDAY, April 5, 2016 ~BEGINNING AT 7:30 P.M.**

Denise Kohan, Acting Municipal Clerk

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APPROVED AS PRESENTED

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Denise Kohan, Acting Municipal Clerk